IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

MFA.No. 528 of 2001()

OPMV.444/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM DT..31.01.2000.
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APPELLANT: APPLICANT

S.SUKUMARAN NAIR, S/O.SADASIVAN NAIR,
ELIYARATHALA VEEDU, NALOORVATTOM,
PLAMOOTTUKADA P.O.,
KULATHOOR, NEYYATTINKARA (DIED)

ADDL.APPELLANT 2 TO 8 ARE IMPLEADED

2. SADASIVAN NAIR, RESIDING AT ELIYARATHALA VEEDU, NALOORVATTOM, PLAMOOTTUKADA P.O.

3. SUKUMARI AMMA, RESIDING AT DO . DO.

4. SURENDRAN NAIR, S/O. SADASIVAN NAIR, RESIDING AT DO. DO.

5. USHA KUMARI, D/O. SUKUMARI AMMA, RESIDING AT DO. DO.

6. JAYAKUMARI, D/O. SUKUMARI AMMA, RESIDING AT DO. DO.

7. SREEKANTAN NAIR, S/O. SADASIVAN NAIR, RESIDING AT DO. DO.

8. SIVAN KUTTY, S/O. SADASIVAN NAIR, RESIDING AT DO. DO.

ADDL. APPELLANTS 2 TO 8 AS ABOVE , IMPLEADED VIDE ORDER DT. 4.4.03 ON CMP. NO.1869/03.

BY ADV.SRI.S.V.PREMAKUMARAN NAIR
BY ADV. SRI.R.T.PRADEEP

M.F.A. NO.528/2001

RESPONDENTS: COUNTER PETITIONERS
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1. **NANOO NADAR, S/O. PAPPU NADAR,**
   RETNA VILASOM, THIRUMANGALAM,
   NEYYATTINKARA.

2. **SREEKUMAR ALIAS MANIKANTAN,**
   MAVILAMKUZHY MELEPUTHENVEEDU,
   KULATHMMAL, PARAKKOTTUKONAM,
   CHAROTTUKONAM P.O., NEYYATTINKARA.

3. **THE DIVISIONAL MANAGER,**
   UNITED INDIA INSURANCE COMPANY LTD.,
   THIRUVANANTHAPURAM

BY ADV. SRI.B.KRISHNA MANI - R1
SRI.THOMAS MATHEW NELLIMOOTTIL - R3
SRI.NAGARAJ NARAYANAN - R2
SRI.VIJAYAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A. No. 528 of 2001

Dated this the 5th day of July, 2007

Judgment

Koshy, J.

A youngster aged 20 sustained personal injuries in a motor accident due to the negligent driving of the vehicle insured by the third respondent insurance company. Claimant produced a medical certificate claiming 8% permanent disability. He claimed to be a mason. The accident occurred on 18.3.1995. Since no data was produced, the tribunal fixed Rs.1,500/- as the monthly income. We see no ground to change the same in the absence of evidence regarding the actual income. 8% disability was accepted by the tribunal and compensation was awarded. Medical expenses were reimbursed. Total amount awarded was Rs.38,090/-. Considering the nature of injuries, we are of opinion that just and reasonable compensation was awarded.

2. It is true that after about ten years of the accident, the original claimant died. His father and mother and brothers and sisters are impleaded in his

place. Since we see no ground to grant further enhancement, we dismiss the appeal.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.NO.528/2001

JUDGMENT

Dated:5th July, 2007